

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Christopher John Gilmore,

Case No. 19-cv-0141 (WMW/ECW)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Martin County Sheriff Dept. et al.,

Defendants.

This matter is before the Court on the July 12, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 40.) The R&R recommends denying Plaintiff Christopher John Gilmore's motion for a temporary restraining order, motions for summary judgment and for immediate summary judgment, and motion for an order of prisoner release. Timely objections to the R&R have not been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.¹

¹ Defendants Officer Jaime Bleess, Fairmont Police Dept., City of Fairmont, and Debbie Foster have made an appearance in this case. To the extent that Defendants' appearance undermines the R&R's conclusion that the Court does not have jurisdiction to render a judgment over these Defendants, *see Sieg v. Karnes*, 693 F.2d 803, 807 (8th Cir.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The July 12, 2019 R&R, (Dkt. 40), is **ADOPTED**.
2. Plaintiff Christopher John Gilmore's Motion for Temporary Restraining Order, (Dkt. 3), is **DENIED**.
3. Gilmore's Motion for Summary Judgment, (Dkt. 6), is **DENIED** as premature.
4. Gilmore's Motion for Order of Prisoner Release, (Dkt. 10), is **DENIED**.
5. Gilmore's Motion for Immediate Summary Judgment, (Dkt. 20), is **DENIED** as premature.

Dated: August 16, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge

1982), Gilmore's two motions for summary judgment are nonetheless denied as premature because genuine issues of material fact remain.